REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 19, 2008. At the time of the Final Office Action, Claims 1, 3-6, 9, 11 and 13-17 were pending in this Application. Claims 1, 3-6, 9, 11 and 13-17 were rejected. Claims 2, 7-8, 10 and 12 were previously cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1, 5-6, 9, 11 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,545,852 issued to James H. Arnold ("*Arnold*").

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Arnold* in view of U.S. Patent No. 6,665,802 issued to Robert E. Ober ("*Ober*").

Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Arnold* in view of U.S. Patent Application Publication No. 2001/0052728 by Goran Larsson et al. ("*Larsson*").

Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination

was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

In the section Response to arguments, the Examiner stated that there is no need to explain the function of the latch-up detector because of the presence of gated differential amplifiers which indication amplification of control signals. Applicant respectfully disagrees.

The present independent claims include the limitation

" *- generating a control signal by a microcontroller to actuate a load,*

- amplifying the control signal;

...

while the microcontroller is in a sleep mode detecting a disturbance of said control signal by detecting a change in the amplified control signal through a diagnose reading port of said microcontroller."

Thus, it is the control signal that is amplified and a change of the amplified control signal is detected through a diagnose port of the microcontroller. The Examiner failed to explain how the control signal reaches the latch-up detector in order to be amplified by the latch-up detector. The Examiner identified signals 120 as the control signals. However, these signals are not fed to the latch-up detector. In fact, *Arnold* does nowhere state that the signals 120 are fed to the latch-up detector. Moreover, Fig. 2 does not show such a connection.

Moreover, the independent claim requires that a change in the amplified signal detected by a diagnose reading port of the microcontroller which is even more specific defined as an interrupt input port allowing for moving the microcontroller out of the sleep state. *Arnold* neither discloses nor suggests such a functionality. In fact, latch up detector is merely used to ensure that the relay controlled by bi-polar pulse driver has switched from one state to another, *Arnold,* col. 24, lines 2-51. *Arnold* does not disclose any functionality with respect to detecting a change of the control signal 120.

With respect to the arguments regarding the sleep mode, the Examiner merely stated that all functionality of *Arnold* happens after the controller is in sleep mode. Applicant

respectfully disagrees. No such statement can be found in *Arnold. Arnold* merely states that after a self test is performed the system goes to sleep. A person skilled in the art would interpret this functionality as nothing more than it states. It implies that no functions are performed during sleep. Moreover, no statement can be found in *Arnold,* that one of the specific functions, such as for example the functionality of the latch-up detector actually wakes up the processor from the sleep mode. However, such a function is implied in the present independent claim as the claim requires the system to perform the stated functions while in sleep mode and that the detection is performed through an interrupt port which is known to have the functionality of waking up the microcontroller when the microcontroller is in sleep mode. The Examiner failed to show any evidence of at least an equivalent function in *Arnold.*

Hence, Applicant believes that all pending claims are allowable over *Arnold*. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicant respectfully requests reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of all pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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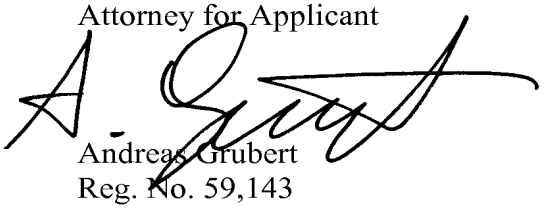

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